### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FULLER et al.

Group Art Unit: Unassigned

Application No. Unassigned

Examiner: Unassigned

Filed: October 7, 2003

For: TESTING DISTRIBUTING SERVICES

BY USING MULTIPLE BOOTS TO TIMESHARE A SINGLE COMPUTER

#### INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as

In re Appln. of: FULLER et al. Attorney Docket No. 223251

	of a fir	th in 37 CFR 1.491 of an international application; (c) before the mailing date est Office Action on the merits; or (d) before the mailing of a first Office Action ne filing of a request for continued examination under 37 CFR 1.114.				
	37 CF	(a), (b), (c) or (d) above, but before the mailing date of a final action under R 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that vise closes prosecution in the application, and includes <i>one</i> of:				
		the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).				
	$\bigcap^{or}$	the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).				
	under and or 37 CF	he mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance 37 CFR 1.311, or an action that otherwise closes prosecution in the application, or before payment of the issue fee, and includes the Statement under R 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as th in 37 CFR 1.17(p) (see "Fees" below).				
	after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and within thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).  NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.					
Copies	s of the	References				
	Attach relevar an Eng action degree	of the references listed on the enclosed Form 1449 are enclosed herewith, ed to each reference not in the English language is a concise explanation of the nce pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or glish-language abstract, or an English-language version of the search report or by a foreign patent office in a counterpart foreign application indicating the of relevance found by the foreign office is being submitted in lieu of a concise ation of the relevance pursuant to 37 CFR 1.98(a)(3).				
	А сору	of the foreign search report is enclosed herewith.				
	parent furnish submit The E accord	ferences listed on the enclosed Form 1449 were previously identified in the application(s) of the present application, and copies of the references were led at that time. Accordingly, additional copies of the references are not ted herewith, so as not to burden the file with duplicate copies of references. Examiner is respectfully requested to carefully review the references in ance with the requirements set out in the Manual of Patent Examining lure. In accordance with 37 CFR 1.98(d), the details of the parent application(s)				

relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLI	CATIONS	Status (check one)					
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED			
1.							
2.							
3.							
Statement under 37 CFR 1.97(e)							
Information Discle	hereby states that each osure Statement was force in a counterpart force	irst cited in a	ny commun	ication from a			

The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

months prior to the filing of the Information Disclosure Statement.

# Statement under 37 CFR 1.704(d)

The undersigned hereby states that each item of information contained in the
Information Disclosure Statement was cited in a communication from a foreign patent
office in a counterpart application and that this communication was not received by
any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing
of the Information Disclosure Statement.

# Fees

$\boxtimes$	No fee is owed by the applicant(s).
	The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith.

## **Method of Payment of Fees**

Attached is a check in the amount of \$	
Charge Deposit Account No. 12-1216 in the amount of \$	. (A duplicate copy of
this communication is enclosed for that purpose.)	

In re Appln. of: FULLER et al. Attorney Docket No. 223251

## **Authorization to Charge Additional Fees**

If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment** 

Credit Account No. 12-1216.

Phillip M. Pippenger, Reg. No. 46,055 LEYDIG, VOIT & MAYER, LTD. Two Prudential Plaza, Suite 4900 180 North Stetson Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)

Date: October 7, 2003

#### **CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:  $\frac{10}{100}$ 

IDS (Revised 5/21/03)

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1				Complete if Known		
Substitute for fo	rm 1449A/B/PTO			Application Number	Unassigned	
INIEC	DRMATION	חופר	N OSLIDE	Filing Date	October 7, 2003	
				First Named Inventor	FULLER	
SIA	TEMENT B	YAP	PLICANI	Group Art Unit	Unassigned	
	(Use as many shee	ts as ne	cessary)	Examiner Name	Unassigned	
Sheet	1	of	2	Attorney Docket Number	223251	

			U.S. PATENT DOCUMENTS		
U.S. Patent Document					]
Doc. No.	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
AA	6,324,492	B1	Rowe	11/27/2001	01/20/1998
ΑВ	6,529,966	B1	Wilman et al.	03/04/2003	08/24/1995
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	No.	Doc. Application or Patent Number A A 6,324,492	Doc. Application or Patent Number Kind Code A A 6,324,492 B1	Doc. Application or Patent Number Kind Code Name of Patentee or Applicant  A A 6,324,492 B1 Rowe	Doc. Application or Patent Number Kind Code Name of Patentee or Applicant Publication  A A 6,324,492 B1 Rowe 11/27/2001

	FOREIGN PATENT DOCUMENTS								
		Foreign Patent Document				Translation			
Examiner Initials	Doc. No.	Office	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Yes	No**	
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		OTHER - NON PATENT LITERATURE DOCUMENTS		
Examiner	Doc.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item		
Initials	No.	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Yes	No**
	AC	"Multiple Boot Manager" (December 6, 2002), (December 6, 2002) retrieved from		
		http://elm-chan.org/fsw/mbm/mbm_e.html_,pp. 1-4,		
	AD	Microsoft Knowledge Base Article-217210, "How to Multiple Boot Windows XP,		
		Windows 2000, Windows NT, Windows 95, Windows 98, Windows Me, and MS-DOS		ŀ
		retrieved from <a href="http://support.microsoft.com/?kbid=217210">http://support.microsoft.com/?kbid=217210</a> , pp. 1-5 on 10/7/2003		
	AE	KUMAR, S., "A Generic Virus Scanner in C", Technical Report CSD-TR-92-062		
		(September 17, 1992), in the Proceedings of the 8 <sup>th</sup> Computer Security Application		
		Conference IEEE Press, 1992, pp. 1-21		
	AF	Power Quest, "Solution: Multiple Boot Scenarios", retrieved from		
		http://www.powerquest.com/support/primus/id3824.cfm, pp. 1-2 on 10/7/2003		l

Examiner Signature	Date Considered	

<sup>\*</sup> A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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Substitute for form 1449A/B/PTO				Complete if Known		
				Application Number	Unassigned	
INFORMATION DISCLOSURE				Filing Date	October 7, 2003	
				First Named Inventor	FULLER	
STATEMENT BY APPLICANT (Use as many sheets as necessary)				Group Art Unit	Unassigned	
				Examiner Name	Unassigned	
Sheet	2	of	2	Attorney Docket Number	223251	

Doc. No.   Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.    A G	Tran Yes	No*+
Initials  No. magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.  A G  JUMBO, "ACDsee PowerPack, retrieved from http://www.jumbo.com/utilities/dos/bootutil/bootma33.zip.download.htp on 10/7/2003  A H  "The Best Multiple-Boot Utility", Finding the best tool for multiple operating systems on one machine, (January 25, 2002), retrieved from http://linuxworld.sys-con.com/story/32715 p.htm  A I  VertiTest>Services>Scalability testing, "Scalability Testing", retrieved from http://www.veritest,com/services/scalability.asp?vistor+X, pp. 1-2 on 10/7/2003  A J  CHE, BRYAN, "ArsDigita Scalability Testing", (April 25, 2001), retrieved from http://eveander.com/arsdigita/asj/arsdigita-scalability-testing, pp. 1-17  A K  "Comdex: Sun touts Solaris 8 as Windows 2000 alternative", (November 22, 1999), retrieved from http://www.cnn.com/TECH/computing/9911/22/solaris8.ent.idg/index.html  A L  HANEY, CLARE, et al., "Gates emphasizes XML introduces new Net appliance", (November 15, 1999), retrieved from http://www.cnn.com/TECH/computing/9911/15/comdex.gatesidg/index.html, pp. 1-5  A M  High Performance Computers, Technical Afterward, "Changing High Performance Computer Technology Is Making Export Control More Difficult", retrieved from http://www.cnn.com/ALLPOLITICS/resources/1999/cox.report/hpc/pq9.html, pp. 1-17	Yes	No*+
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A H "The Best Multiple-Boot Utility", Finding the best tool for multiple operating systems on one machine, (January 25, 2002), retrieved from <a href="http://linuxworld.sys-con.com/story/32715">http</a> A I VertiTest> Services> Scalability testing, "Scalability Testing", retrieved from <a href="http://www.veritest.com/services/scalability.asp?vistor+X">http://www.veritest.com/services/scalability.asp?vistor+X</a> , pp. 1-2 on 10/7/2003  A J CHE, BRYAN, "ArsDigita Scalability Testing", (April 25, 2001), retrieved from <a href="http://eveander.com/arsdigita/asj/arsdigita-scalability-testing">http://eveander.com/arsdigita/asj/arsdigita-scalability-testing</a> , pp. 1-17  A K "Comdex: Sun touts Solaris 8 as Windows 2000 alternative", (November 22, 1999), retrieved from <a href="http://www.cnn.com/TECH/computing/9911/22/solaris8.ent.idg/index.html">http://www.cnn.com/TECH/computing/9911/22/solaris8.ent.idg/index.html</a> A L HANEY, CLARE, et al., "Gates emphasizes XML introduces new Net appliance", (November 15, 1999), retrieved from <a href="http://www.cnn.com/TECH/computing/9911/15/comdex.gatesidg/index.html">http://www.cnn.com/TECH/computing/9911/15/comdex.gatesidg/index.html</a> , pp. 1-5  A M High Performance Computers, Technical Afterward, "Changing High Performance Computer Technology Is Making Export Control More Difficult", retrieved from <a href="http://www.cnn.com/ALLPOLITICS/resources/1999/cox.report/hpc/pg9.html">http://www.cnn.com/ALLPOLITICS/resources/1999/cox.report/hpc/pg9.html</a> , pp. 1-17		
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http://eveander.com/arsdigita/asj/arsdigita-scalability-testing, pp. 1-17  A K "Comdex: Sun touts Solaris 8 as Windows 2000 alternative", (November 22, 1999), retrieved from http://www.cnn.com/TECH/computing/9911/22/solaris8.ent.idg/index.html  A L HANEY, CLARE, et al., "Gates emphasizes XML introduces new Net appliance", (November 15, 1999), retrieved from http://www.cnn.com/TECH/computing/9911/15/comdex.gatesidg/index.html, pp. 1-5  A M High Performance Computers, Technical Afterward, "Changing High Performance Computer Technology Is Making Export Control More Difficult", retrieved from http://www.cnn.com/ALLPOLITICS/resources/1999/cox.report/hpc/pg9.html, pp. 1-17		
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Examiner Signature	Date Considered	

<sup>\*</sup> A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

<sup>+</sup> An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).